

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION – IN ADMIRALTY**

CIVIL ACTION NO. 4:22-cv-00051-BO

In the Matter of:

CYRUS HAMILTON SLOAN, SR.,
Owner of the M/V DRESS BLUE, a
2016 or 2017 48' +/- Sabre Salon
Express, HIN # HWS48085F617, NC
Registration # 1387 EK, Official #
1271682, her engines, tackle, apparel,
appurtenances, etc.

For Exoneration from
and/or Limitation of Liability

**REPORT OF THE PARTIES'
PLANNING MEETING
Fed. R. Civ. P. 26(f)**

I. Rule 26(f) Conference. Pursuant to Fed. R. Civ. P. 26(f) and the Initial Order for Discovery Plan, a meeting was held by telephone on or about September 28, 2022, and the parties confirmed and agreed upon the following Joint Report. The following persons participated in the conference:

For Limitation Plaintiff:
Jason R. Harris
Melanie A. Huffines
Cranfill Sumner LLP
101 N. 3rd Street, Suite 400
Wilmington, NC 28401

For Claimant Lydia McCarthy:
Albert G. Bilbrey, Jr.
Cooper & Bilbrey, P.C.
P.O. Box 22513
Charleston, SC 29413

This Rule 26(f) Report and the documents filed herewith were reviewed by Local Civil Rule 83.1(d) Counsel pursuant to Local Civil Rule 83.1(e)(1)(d).

II. Joint Report and Plan

A. Discussion of the nature of the case.

1. Basis for the court's subject matter jurisdiction.

The United States District Court for the Eastern District of North Carolina has original subject matter jurisdiction pursuant to admiralty jurisdiction under 45 U.S.C. § 30501, *et seq.* and 28 U.S.C. § 1333(1), and this Court has jurisdiction over the parties. Venue is proper in the District pursuant to Supplemental Admiralty Rule F(9) in that the Limitation Plaintiff's Vessel has not been attached or arrested, suit has not been commenced against the owner, and the Vessel is located within this District.

2. Important or key factual and legal issues.

Whether Limitation Plaintiff was negligent;

Whether any other party was negligent;

Whether Claimant is entitled to damages, and if so, what amount;

Whether any party is entitled to indemnity and/or contribution; and

Whether Limitation Plaintiff is entitled to exoneration from/or limitation of liability.

3. Breakdown of damages sought.

Claimant Lydia McCarthy seeks to recover an award in excess of \$200,000.00 for alleged injuries and damages.

B. Stay of this Limitation Action and Discovery Plan

Pursuant to 28 U.S.C. § 1333 and the competing interests between Limitation Plaintiff's right to exoneration from and/or limitation of liability, and Claimant's rights under, *inter alia*, the saving to suitor's clause, the existing parties hereby agree and request this Court to STAY this Limitation Action, and in support thereof, show the following:

1. The time to make claims has expired, however the parties reserve the right to add additional parties in this or any other related action;
2. The parties have agreed upon stipulations, preserving the rights of the Limitation Plaintiff and Claimant, attached hereto as **Exhibit A**. ACCORDINGLY, THIS MATTER SHOULD BE STAYED EFFECTIVE UPON THE RULING ON LIMITATION PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AGAINST ALL NON-APPEARING PARTIES AND NON-ASSERTED CLAIMS; THE ISSUE AS TO WHETHER LIMITATION PLAINTIFF SHALL BE ENTITLED TO LIMITATION SHALL PROCEED IN THIS COURT, AS STATED IN EXHIBIT A, AND ALL OTHER ISSUES SHALL PROCEED IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA;
3. In the event liability is determined in the United States District Court for the District of South Carolina and damages in excess

of the post-casualty value of the vessel are awarded against Limitation Plaintiff, the parties shall then so notify this court within 90 days of entry of such judgment and propose a new Scheduling Order and Discovery Plan regarding the issue of limitation to be entered and agreed upon by the parties promptly at that time.

This 13th date of October, 2022.

CRANFILL SUMNER LLP

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